

### REMARKS

Claims 1 and 3-14 are pending in the Application. Claim 13 is now rejected under 35 U.S.C. §112, second paragraph. Claims 1 and 3-14 remain rejected under 35 U.S.C. §102(e). Applicants address these rejections below.

#### I. REJECTIONS UNDER 35 U.S.C. §112, SECOND PARAGRAPH:

The Examiner has rejected claim 13 under 35 U.S.C. §112, second paragraph, for having insufficient antecedent basis. Office Action (7/17/2007), page 2. In particular, the Examiner asserts that the phrase "said program" in claim 13 has insufficient antecedent basis. *Id.* As indicated above, Applicants amended claim 13, as suggested by the Examiner, by inserting the term "product" following the phrase "said program" thereby providing sufficient antecedent basis. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection to claim 13 under 35 U.S.C. §112, second paragraph.

Claim 13 was amended to correct a typographical mistake and not to overcome prior art. Hence, no prosecution history estoppel arises from the amendment to claim 13. *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 62 U.S.P.Q.2d 1705, 1711-12 (2002); 56 U.S.P.Q.2d 1865, 1870 (Fed. Cir. 2000). Further, the amendment made to claim 13 was not made for a substantial reason related to patentability and therefore no prosecution history estoppel arises from such an amendment. *See Festo Corp.*, 62 U.S.P.Q.2d 1705 at 1707 (2002); *Warner-Jenkinson Co. v. Hilton Davis Chemical Co.*, 41 U.S.P.Q.2d 1865, 1873 (1997).

#### II. REJECTIONS UNDER 35 U.S.C. §102(e):

The Examiner has rejected claims 1 and 3-14 under 35 U.S.C. §102(e) as being anticipated by Iida, Shoichi (U.S. Patent Application Publication No. 2002/0032739). Applicants respectfully traverse these rejections and file a Notice of Appeal concurrently herewith. Applicants will specifically provide the reasons for traversal in Applicants' Appeal Brief.

Applicants respectfully request that the Examiner call Applicants' attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining issues.

Respectfully submitted,

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